

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ROBERT FRESQUEZ,

Plaintiff,

v.

No. 2:23-cv-115 KG/KRS

UNITED STATES OF AMERICA,

Defendant.

**SCHEDULING ORDER**

**THIS MATTER** comes before the Court following a telephonic Rule 16 scheduling conference held on October 12, 2023. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below.

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of twenty-five (25) interrogatories by each party to any other party, with responses due thirty (30) days after service.
- (b) Maximum of twenty-five (25) requests for admission by each party to any other party, with responses due thirty (30) days after service.
- (c) Maximum of ten (10) depositions by Plaintiff, and ten (10) by Defendant. Each deposition of parties and experts limited to maximum of seven (7) hours, unless extended by agreement of the parties. Depositions of nonparties limited to four (4) hours, unless extended by agreement of the parties.

**IT IS FURTHER ORDERED** that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend pleadings pursuant to Federal Rule of Civil Procedure 15: **November 20, 2023;**
- (b) Deadline for Plaintiff to join additional parties pursuant to Federal Rule of Civil Procedure 15: **December 4, 2023**
- (c) Deadline for Defendant to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **December 4, 2023;**
- (d) Deadline for Plaintiff's expert reports: **February 5, 2024;**
- (e) Deadline for Defendant's expert reports: **February 5, 2024;**
- (f) Termination of discovery: **April 2, 2024;**
- (g) Deadline for supplementing discovery/disclosures: Due 30 days after disclosure;
- (h) Motions relating to discovery: **April 22, 2024;**
- (i) All other motions:<sup>1</sup> **May 2, 2024;**
- (j) Pretrial order: To be set by the presiding judge.

**IT IS FURTHER ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery

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<sup>1</sup> This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, slightly slanted style. The first name "Kevin" is written in a more compact, rounded script, while "Sweazea" is written in a more elongated, flowing script with a prominent 'S' and 'Z'.

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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE